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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,860	06/27/2003	Ming Jia	7000-267	7133
27820 7590 03/20/2007 WITHROW & TERRANOVA, P.L.L.C. 100 REGENCY FOREST DRIVE SUITE 160 CARY, NC 27518			EXAMINER BURD, KEVIN MICHAEL	
			ART UNIT	PAPER NUMBER
			2611	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/20/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/607,860

Applicant(s)

JIA ET AL.

Examiner

Kevin M. Burd

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. This office action, in response to the remarks filed 1/16/2007, is a final office action.

Response to Arguments

2. The previous objection to the drawings is maintained. Tong discloses the QPSK/QAM mapping element 56 in figure 4. Tong discloses figures 6A and figure 6B, which are identical to figures 8A and 8B of the instant application. Tong was filed on 10/2/2002. Figure 7 of the instant application is not prior art.

3. Applicant's arguments filed 1/16/2007 regarding the rejections of the claims under 35 USC 101 have been fully considered but they are not persuasive. Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility states "If the examiner determines that the claim does not entail the transformation of an article, then the examiner shall review the claim to determine if the claim provides a practical application that produces a useful, tangible and concrete result" (page 20). "The tangible requirement does require that the claim must recite more than a 101 judicial exception, in that the process claim must set forth a practical application of that 101 judicial exception to produce a real-world result" (page 21). Claim 1 produces a soft demapping value. This is not a tangible result. Therefore, for these reasons and the reasons stated in the previous office action, the rejections of claims 1-36 are maintained.

4. Applicant's arguments filed 1/16/2007 regarding the rejections of the claims under 35 USC 102(b) have been fully considered but they are not persuasive. Hassan

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discloses calculating Euclidean distances between a received vector r and each one of a plurality of codewords (column 4, lines 19-21 and column 11, lines 54-58). This is shown in figure 7. Decoder 118 comprises block 302 that selects the closest codeword (column 4, lines 18-30). Decoder 118 further discloses determine reliability block 304, which comprises compare block 310 shown in figure 10. Hassan discloses elements 322 and 324 that calculate the closest distances between the received vector r and a hypothetical transmitted codeword having a logical one or zero in a given information bit location (column 11, lines 1-15). Since the distances are minimized, the smallest distance is selected. The output on line 311 is the soft value. For these reasons and the reasons stated in the previous office action, the rejections of the claims are maintained.

Drawings

5. Figures 1-4, 8A, 8B and 9 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Figures 1-4, 8A, 8B and 9 are shown in Tong et al (US 2004/0066866) application number 10/263,268 filed 10/2/2002. Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-36 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-36 do not contain a tangible result and therefore, are non-statutory.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-4, 7-13, 16-19, 22-28 and 31-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Hassan et al (US 5,968,198).

Regarding claims 1-4, 7, 8, 16-19, 22, 23 and 31-35, Hassan discloses a method using the decoders shown in figure 4. Hassan provides a codebook comprising symbol vectors corresponding to potential combination of transmitted symbols (column 1, lines 38-47). A codeword is selected that is closest to the received vector (column 11, lines 54-58). The distance between them is the Euclidean distance (column 4, lines 19-21). This output is often referred to as the hard information output (column 1, lines 38-48). Soft information output have historically been generated by the decoder in conjunction

with the selection of the closest codeword and it's associated hard information output (column 1, lines 65-67). The reliability information comprising the soft information output is calculated for each individual symbol (bit) within the hard information output (column 2, lines 1-3). The closest Euclidean distance between the received data vector and a hypothetical codeword having a logic value of one or zero in one of the information bit positions. When the value is greater than zero, this means that a zero is more likely for the corresponding hard information bit (column 5, lines 30-47). The soft information is determined using a log likelihood ratio (column 7, lines 11-30).

Regarding claims 9-13 and 24-28. Hassan discloses decoding the received signal received from a plurality of transmit antennas. Initial solutions are determined by this decoding. A decoding space is determined from these solutions comprising a limited area wherein the distances are determined. The limited area and the decoding space are the constellation lattice.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5, 6, 20, 21 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hassan et al (US 5,968,198) in view of "Turbo-coded Modulation for Systems with Transmit and Receive Antenna Diversity Over Block Fading Channels:

System Model, Decoding Approaches, and practical Considerations” Stefanov et al, IEEE Journals on Selected Areas in Communications, IEEE INC. New York, vol. 19, no. 5, May 2001 (pages 958-968).

Regarding claims 5, 6, 20, 21 and 36, Hassan discloses the method stated above but does not disclose how the Euclidean distances are calculated. Stefanov discloses using turbo codes for systems with antenna diversity in pages 960-962. It would have been obvious for one of ordinary skill in the art at the time of the invention to utilize the turbo-coding described in Stefanov in the method of Hassan. The turbo coding disclosed observes significant performance gains over the appropriately interleaved space-time trellis codes (abstract).

9. Claims 14, 15, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hassan et al (US 5,968,198) in view of Naguib et al (US 6,693,982).

Regarding claims 14 and 29, Hassan discloses the method stated above but does not disclose a zero-forcing technique is used to carry out the space-time decoding. Naguib discloses zero-forcing interference cancellation techniques are well known in the art and can be interchanged with a MMSE technique. It would have been obvious for one of ordinary skill in the art at the time of the invention to utilize the zero-forcing technique of Naguib in the method of Hassan. Zero-forcing provides accurate interference cancellation required to remove noise and allows data to be recovered correctly (column 10, lines 5-61).

Regarding claims 15 and 30, Hassan discloses the method stated above but does not disclose a minimum mean square error decoding (MMSE) technique is used to carry out the space-time decoding. Naguib discloses using the MMSE to cancel interference and discloses in certain cases the MMSE approach will have a better performance as compared to the zero-forcing case (column 10, lines 5-61). For this reason, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine the MMSE technique of Naguib into the method of Hassan.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Burd whose telephone number is (571) 272-3008. The examiner can normally be reached on Monday - Friday 9 am - 5 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kevin M. Burd
3/14/2007


KEVIN BURD
PRIMARY EXAMINER